

REMARKS

The present application is a Continuation Application under 37 CFR 1.53(b) of the parent application 09/071,351, issued September 4, 2001 as U.S. Patent 6,284,544.

The present application includes written description of nine (9) figures. However, only eight (8) figures were filed with the present application, as drawing Figure 9 was not available to Applicants' Representative at the time the application was filed. This discrepancy led to the issuance of a Notification of Omitted Items In A Non-Provisional Application on October 11, 2001.

Applicants provide attached hereto the omitted Figure 9 and respectfully request entry of the drawing Figure 9 into the file. The requested amendment of the application does not introduce any new matter into the application. The amendment merely replaces verbatim material incorporated by reference with the original material. The Examiner should note that the present application incorporates the parent application in its entirety by reference. The parent application included all nine drawing figures. Also, the new application papers requested preliminary amendment of the specification to recite that Figure 9 of the application corresponded to Figure 5 of D. Elbaum et al., *J. Am. Chem. Soc.*, 118: 8381-8387 (1996), which paper was

incorporated by reference. A copy of the relevant page of the Elbaum paper is attached hereto for review by the Examiner.

A letter to the Draftsman requesting entry and review of the drawing has been filed concurrently.

The Notice of Omitted Items indicates that petition is required to inform the Office that the omitted item was in fact filed or that a new filing date will be accorded upon submission of the omitted item without petition. Applicants submit that the present instance does not require petition, as the Figure 9 was not submitted with the original application papers. However, Applicants also submit that the present application should retain its original filing date of August 31, 2001, as the Figure 9 was originally incorporated by reference from two sources on the original filing date. Thus, entry of the Figure 9 does not constitute addition of any new matter into the application.

Applicants submit that no fee for consideration of any petition is necessary for entry of this amendment. In the event that the Examiner concludes otherwise, payment of the petition fee of \$130.00 pursuant to 37 CFR 1.17(h) by charge to Deposit Account No. 02-2448 is authorized.

The specification is amended to reflect entry of the Figure 9 in lieu of its prior incorporation by reference and also to update the status of the parent application.

Favorable action on the merits of the present application is respectfully requested.

If the Examiner has any questions concerning this application, the Examiner is requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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Mark-up Version Showing Changes Made

In the Specification

In the first paragraph of page 1:

This application is a continuation of co-pending Application No. 09/071,351, filed on April 30, 1998, issued September 4, 2001 as U.S. Patent 6,284,544 B1, the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120. [Figure 5 of D. Elbaum et al., *J. Am. Chem. Soc.*, 118: 8381-8387 (1996) is hereby incorporated by reference as Figure 9 of the present application.]

IN THE DRAWINGS

Figure 9 is inserted into the application.